

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

EARNEST L. WALKER	:	CIVIL ACTION
	:	
v.	:	
	:	
M. DAVIS & SONS	:	NO. 98-CV-1910

MEMORANDUM ORDER

Presently before the Court is Plaintiff's Motion To Proceed In Forma Pauperis and Request for Appointment of Counsel. Plaintiff claims that his employer discriminated against him because of his race. It appears from the face of Plaintiff's motion that venue is not proper in this district. The Plaintiff is a resident of Delaware and he represents that the Defendant is also located in Delaware. He does not allege that any of the acts complained of took place in Pennsylvania.

Improper venue is not grounds for the denial of a Motion to Proceed In Forma Pauperis. Sinwell v. Shapp, 536 F.2d 15, 19 (3d Cir. 1976). Nonetheless, in the interest of justice and for the convenience of the parties and witnesses, the Court may transfer an action to a district where it originally might have been brought. 28 U.S.C. § 1404(a).

AND NOW, this Day of April, 1998, it is ordered that this matter is TRANSFERRED to the United States District Court for the District of Delaware.

BY THE COURT:

JAMES MCGIRR KELLY, J.